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Inventor Names: MAES & GLAVIND

Title: MOVING HEAD DEVICE COMPRISING A LAMP

Mail Stop Appeal Brief  
Commissioner for Patents  
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APPEAL BRIEF

Sir:

I. REAL PARTY IN INTEREST

The real party in interest is Koninklijke Philips Electronics, N.V., a corporation of the Netherlands.

II. RELATED APPEALS AND INTERFERENCES

Applicants are not aware of any related appeals or interferences.

III. STATUS OF CLAIMS

Claims 1-3, 5-7, 9-15, 17-21 and 26 stand rejected under 35 U.S.C. 102 (b) over US Pat. No. 5,590,955 ("Bornhorst")

Claims 4, 8, 16, and 27 stand rejected under 35 U.S.C. 103(a) over Bornhorst in view of

U.S. Pat. No. 4,298,911 (“Headrick”).

Claim 22 stands rejected under 35 U.S.C. 103(a) over Bornhorst in view of U.S. Pat. No. 6,412,972 (“Pujol”)

Claim 23 stands rejected under 35 U.S.C. 103(a) over Bornhorst in view of German patent document DE3807504.

Claim 24 stands rejected under 35 U.S.C. 103(a) over Bornhorst in view of Pujol and DE3807504.

Claim 25 stands rejected under 35 U.S.C. 103(a) in view of Bornhorst.

Claims 1-27 are on appeal.

#### IV. STATUS OF AMENDMENTS

The amendment under rule 116 was entered. This entry eliminated claim objections relating to formal matters.

## V. SUMMARY OF CLAIMED SUBJECT MATTER

### Independent claim 1

Claim 1 recites

<b>Element (including reference numerals)</b>	<b>Figure</b>	<b>Specification</b>
a foot (10);	All figures	<i>e.g.</i> at p. 4, ll. 13-15, 20; p. 9, l.1; p. 12, l. 30; p. 13, ll. 2, 11, 21
a first rotation member (21) which is rotatable with respect to the foot (10) about a first rotation axis (51);	All figures	<i>e.g.</i> p. 4, l. 31, p. 5, ll. 1-16, 28-31; p. 6, ll. 2, 16; p. 7, ll. 8, 15-16, 19-30; p. 8, l. 5; p. 9, ll. 1-5, 18, 32; p. 10, l. 15, 24; p. 11, 24, 32; p. 12, l. 11; p. 13, l. 11-16, 22-23, 28
a light source (80, 61) for emitting light, which is arranged in the first rotation member (21); and	All figures	<i>e.g.</i> p. 5, ll. 17-26; p. 7, ll. 8-14, 27-32; p. 8, ll. 1-3; p. 9, ll. 2-4, 11-16; p. 11, ll. 5-16; 21-25; p. 12, ll. 6-16; p. 13, ll. 3, 25-32
a second rotation member (22) which is rotatable with respect to the first rotation member (21) about a second rotation axis (81) and which has an external light outlet (31) for emitting light originating from the light source (61).	All figures	<i>e.g.</i> p. 4, line 32; p. 5, ll. 27-33; p. 6, ll.1-27; p. 7, ll. 16, 22, 26; p. 9, ll.19-20, 31; p. 10, l. 12, 16; p. 11, ll.24-25; p. 12, ll. 1-2, 32; p. 13, ll.11-26

### Independent claim 14

Independent claim 14 is a sub-assembly of claim 1, reciting precisely the same elements except that the foot is only recited indirectly. The recited elements are supported exactly as shown in the table above. Applicants are not repeating the table here to avoid unnecessary

redundant verbiage.

#### Independent claim 21

Like claims 1 and 14, this claim recites first and second rotation members, which are supported as shown in the table for claim 1 above. Claim 21 further recites that the rotation members both have housings, that the rotation mechanisms are exterior to the housings, and that the light source is disposed within the first housing. The relationship of the housings to the other elements do not appear to be specifically discussed in the specification, nor do they appear to have separate reference numerals – however, they are clearly shown in all the figures.

Claim 21 further recites that the second rotation member includes means for receiving and directing light from the light source. This is shown in all figures of the drawing e.g. at 75, 76, 77, 78, and discussed at several places in the specification, e. g. p. 6, line 20 through p. 7, line 3; p. 8, lines 9-23; p. 9, line 26 through p. 10, line 4.

#### Claims 5 and 17

Claim 5 recites the moving-head device (1, 2, 3,4, 5, 6, 7) according to claim 1, wherein the first rotation member (21) has an internal light outlet (27), and wherein the second rotation member (22) has a light inlet (33) facing the internal light outlet (27). One place where this is described in the specification is with respect to Fig. 1, at p. 5, lines 14-16.

Claim 17 is the same except for depending from claim 14.

#### Claim 6

Claim 6 recites that the second rotation member (22) is rotatably connected to the first rotation member (21) through a disc (85). The disk is fixed with respect to one of the rotation members (21, 22) and is rotatable with respect to another one of the rotation members (21, 22). This is discussed in the specification e.g. at p. 11, line 31 through p. 12, line 2.

#### Claim 26

Claim 26 recites that the first housing is adapted to be suspended from the foot. This is shown in Fig. 5 and disclosed at p. 11, top half of the page.

#### Claim 4

This claim recites the moving-head device (1, 2, 3, 4, 5, 7) according to claim 3, comprising bearing means (30) arranged between the portions (25, 29) of the rotation members (21, 22). This is shown in Fig. 1 at 30 — but also in other figures without reference numerals for the bearing means — and discussed at p. 5, line 32.

#### Claim 16

This claim includes the limitations of claim 4 plus additional limitations not relevant to the argument. The support statements above relating to claim 4 are incorporated by reference in this section.

### Claim 8

Claim 8 recites the moving-head device (1, 2, 3, 4, 5, 6, 7) according to claim 7, comprising a cooling device for cooling at least one side (64) of the light source (61), wherein the cooling device is arranged so as to provide cooling air to the light source (61), and wherein the reflector (62) is provided with an inlet (63) for admitting the cooling air. Support for these recitations appears in Fig. 1, Fig. 4, and Fig. 5 and in several places in the specification, for instance, at p. 5, lines 17-20; p. 8, lines 27-32; p. 11, lines 3-9.

### Claim 27

This claim recites the apparatus of claim 21, wherein

- the light source (61) comprises a reflector (62) that defines a beam direction that is substantially horizontal;
- the first housing comprises cooling means adapted to cool an upper part of the reflector (63) ; and
- the first rotation axis (51) is vertical, so that the cooling means always cools the upper part of the reflector without adjustment responsive to rotation.

Support for this claim is in several of the Figures, e.g. Fig. 1, and in the specification, for instance at p. 7, lines 27-32.

### Claim 22

This claim depends from claim 21 and recites that the first housing forms a concavity and the first and second housings are adapted to rotate so that at least a portion of the second housing

is movable within the concavity in the first housing. These recitations are supported by all the figures. It is not clear to the undersigned that the concavities have specific reference numerals; however, the rotation members 21 and 22 are plainly shown to be concave. In Fig. 1, for instance the second rotation member 22 is “U” shaped, while the first rotation member 21 has the form of a sideways “G” around the leg 29. More about these shapes is discussed throughout the specification, for instance, at p. 5 lines 27-33.

#### Claim 23

This claim recites that the second housing (22) forms a concavity and the first (21) and second housings are adapted so that at least a portion of the first housing is movable within the concavity in the second housing.. This is shown in all the figures and is described in several places, for instance, the bottom of p. 5 of the specification. Please see the discussion above with respect to claim 22.

#### Claim 24

This claim recites that the first (21) and second (22) housings each form respective concavities and the first and second housings are both adapted so that each has a portion that is movable within the concavity of the other. This is shown in all the figures. It is not clear to the undersigned that the concavities have specific reference numerals; however, the rotation members 21 and 22 are plainly shown to be concave. In Fig. 1, for instance the second rotation member 22 is “U” shaped, while the first rotation member 21 has the form of a sideways “G”

around the leg 29. More about these shapes is discussed throughout the specification, for instance, at p. 5 lines 27-33.

Applicants trust that the Board will note how ingeniously the two concave shapes coordinate with each other as shown in all the figures.

#### Claim 25

This claim recites that the first housing (21) is adapted to rest on top of the foot (10). This is shown in all the figures except for 5. The foot is discussed, for instance, at the top of p. 5 of the specification.

### VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The following rejections are to be reviewed on appeal:

- Claims 1-3, 5-7, 9-15, 17-21 and 26 over US Pat. No. 5,590,955 (“Bornhorst”)
- Claims 4, 8, 16, and 27 over Bornhorst in view of U.S. Pat. No. 4,298,911 (“Headrick”).
- Claim 22 over Bornhorst in view of U.S. Pat. No. 6,412,972 (“Pujol”)
- Claim 23 over Bornhorst in view of German patent document DE3807504.
- Claim 24 over Bornhorst in view of Pujol and DE3807504.
- Claim 25 over Bornhorst.

### VII. THE ARGUMENT

#### **Claim 24 (Bornhorst/Pujol/DE 3807504)**



This claim recites the first and second housings each forming concavities and each having a portion movable within the concavity of the other.

The Examiner refers to element 82 as a first rotatable member in Bornhorst, but Applicants see the housing of element 82 as being entirely convex. The second rotation member 84 might be considered concave, but element 82 does not extend into that concavity.

The Examiner then cites Pujol. Applicants are finding this citation especially confusing. The Examiner cites Fig. 12 of Pujol, but then points to columns 6 and 8 of Pujol. Columns 6 and 8 of Pujol describe figures 1-3, not Figure 12. Applicants find, per column 6 and 8 and figures 1-3, that Pujol has a fixed housing 12 and a rotating housing 14. Applicants do not see that Pujol's housing 12 is forming any concavity. Applicants do not see that any portion of the housing 14 is rotating within the housing 12, either. They seem to be separate. The mounting member 50 that rotates inside housing 12 — and in some sense forms part of the base of housing 12 — does not seem to be part of housing 14.

Fig. 12 of Pujol seems to be directed to optical components within the housings and Applicants do not see how it relates to claim 24.

In sum, Applicants fail to understand how Pujol relates to the rejected claim at all or how it adds anything to Bornhorst in the context of claim 24. Applicants accordingly respectfully submit that this rejection fails to comply with 37 CFR 1.104.

The assignee has informed the undersigned that Applicants have not received any translation of the German language reference. The undersigned is accordingly unable to discern the truth or falsity of what the Examiner has stated about this reference. Applicants respectfully submit that the rejection is in violation of MPEP 706.02.

This claim depends from 21 and incorporates the limitations from that claim, particularly with respect to rotation members being at the exterior of the housing. Applicants downloaded an English language abstract from the Internet at the esp@cenet database<sup>1</sup> relating to the reference. It would appear that the light source 10 is in a housing 20 – and that the rotation members are actually not at the exterior of that housing, but rather on separate members 14, 16, 18. More about what “at” means in this context will be discussed further below with respect to claim 1. Applicants therefore suspect that this reference does not say what the Examiner thinks it says.

In any case, Applicants fail to see how these references could be combined. Each has a different and incompatible structure for directing light. How would the nesting structures of the German language reference relate to the adjacent structures of Bornhorst and Pujol? Why would one add Pujol to Bornhorst, except after reading Applicants’ claims? Applicants respectfully submit that the only way these references could be cobbled together is through impermissible hindsight in light of Applicants disclosure and claims. Otherwise they could only be a dysfunctional agglomeration of incompatible parts.

Moreover, so far as Applicants can tell, when the references are taken as a whole, the ingenious concept that each rotatable member could rotate within a concavity of the other is not

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<sup>1</sup> Abstract of **DE3807504**

A description is given of an illumination device (10) having at least one electrical light source which is arranged in a mount (holder) (20) provided therefor. The mount (20) is provided in a holding device (12). The holding device (12) has at least one frame-shaped element (14) or two, three, or more than three frame-shaped elements (14, 16, 18). The frame-shaped elements can be swivelled about two connecting axes (32, 38) which can be arranged so as to be at least approximately perpendicular to each other. In this way the lamp mount (20) and thus an electric light source arranged in the mount (20) can be adjusted to any desired solid angle.

taught or suggested in any of the references, whether taken singly or in combination. The best that might be said is that one member rotates within another, not that each rotates within the other. Applicants find the references similarly deficient in this respect.

Reversal of this rejection is accordingly respectfully requested.

### **Claims 4, 8, 16, and 27 over Bornhorst in view of Headrick**

#### **Claim 27**

This claim recites that the light source defines a beam direction that is substantially horizontal.

The Examiner purports to find this in Bornhorst. Applicants respectfully disagree. They see no figure indicating that member 82 can assume a horizontal position. Fig. 12 only shows it in a tilted position. Since panning is supposed to come from pan tube 40 and tilting is supposed to come from tilt tube 20 in Bornhorst, Applicants see no reason to suppose that there is any need for the member 82 to be horizontal. Since the light source is coaxial with element 82, it would also not be horizontal.

The claim further recites that the upper part of the reflector is always cooled.

The Examiner purports to find this in Headrick. Applicants respectfully disagree. Applicants see, in Fig. 5 of Headrick, cooling air coming from inlet 94, through the base of the lamp at 86, around the lamp 76, and into the tube 88. Since this reflector is positioned to define a vertical light beam, the upper parts of the reflector are the upper edges distant from the lamp 76. Applicants do not see this portion of the reflector being cooled by the air flow, which surrounds the lamp.

Applicants respectfully reiterate that the combination of these two references is not possible. They are two completely different apparatuses with totally different and incompatible structures. Headrick has plural light sources and a complicated system of gears that interact with each other. Bornhorst has a much simpler arrangement of pan and tilt tubes with one light source. There could be no motivation to combine them by one of ordinary skill in the art, because it would not be clear what to combine or how to put that combination together.

Applicants accordingly respectfully submit that the Examiner has failed to make a *prima facie* case against this claim.

#### Claims 4 and 16

Since the references cannot be combined, any hypothetical combination would be a knee bone connected to shoulder bone type dysfunction. Applicants respectfully submit that one of ordinary skill in the art would not have any motivation to arrive at the bearing means of claims 4 & 16 based on the references. Applicants accordingly respectfully submit that any hypothetical working combination of the two references that might have any resemblance to the claimed invention could only be arrived at through impermissible hindsight in light of Applicants claims and specification.

#### Claim 8

The Examiner purports to find the recitations of this claim in Headrick. Applicants see the inlet of Headrick, *see esp.* Fig. 5, as being in the base of the lamp, not in the reflector itself. Applicants therefore respectfully submit that the Examiner has not made a *prima facie* case

against claim 8.

**Claims 1-3, 5-7, 9-15, 17-21 and 26 over US Pat. No. 5,590,955 (“Bornhorst”)**

This appears to be a case, not where the prior art shows the invention disclosed in the specification and drawings, but rather where Applicants and the Examiner differ as to the meaning of words in the claims. Applicants respectfully submit that the Examiner is interpreting the language of the claims differently from its ordinary meaning and from the way that language is defined in the specification and that this is improper. Phillips v. AWH Corp. 415 F.3d 1303; 2005 U.S. App. LEXIS 13954; 75 U.S.P.Q.2D (BNA) 1321, (Fed. Cir. July 12, 2005, decided, as amended July 14, 2005) stands for the proposition that the specification and drawing are supposed to be the primary source of interpretation of claim terminology.

Moreover, the Examiner groups the embodiments of figures 8-12 of Bornhorst together, without apparently recognizing that these are distinct and incompatible embodiments. Applicants accordingly respectfully submit that the rejections are indefinite and confusing and fail to satisfy 37 CFR 1.104.

**What does “external light outlet” mean as used in this application? (claims 1 and 14)**

Claims 1 and 14 both recite an “external” light outlet in member 2. This is in the context of the light source being “in” the first rotation member. The combination of the word “in” and the word “external” would signal to one of ordinary skill in the art that light is traveling through some interior space in the first and second rotation members prior to going to an external opening of the latter. Otherwise the word “external” would not make sense. In case this wording were to

be deemed ambiguous, and one of ordinary skill in the art were curious about it, the specification and drawing clearly shows light traveling through an interior space both in the first rotation member and in the second rotation member to reach an external light outlet in the second rotation member.

The Examiner purports to find these limitations in Bornhorst. Applicants respectfully submit that the Examiner mischaracterizes the reference. The light outlet 87, cited by the Examiner as the external outlet, is stated by the specification at col. 9, line 31 to be an exit aperture of element 82 – not of element 84. Element 84 is only a yoke assembly. Element 82 is stated by the Examiner to be the first rotation member; while element 84 is stated by the Examiner to be the second rotation member.

One of ordinary skill in the art, looking at Bornhorst, would not interpret the language of the claims — relating to the external aperture and the second rotation member — as reading on this yoke assembly merely because the yoke assembly is arranged around the exit aperture of element 82. Applicants respectfully submit that the Examiner’s highly legalistic interpretation of the wording “external light outlet” stretches the claims beyond their ordinary meaning, especially in light of the specification.

Applicants accordingly respectfully submit that the Examiner has failed to make a *prima facie* case against claims 1 and 14.

What does “rotation member” mean as used in this application? (claims 1 and 14)

Claim 1 recites a first rotation member which is rotatable with respect to the foot.

It is instructional to look at how the term “rotation member” is used in the specification.

The term “rotation member” is defined in context in the specification with respect to the prior art in the background section. The “rotation member” is the specific structure that is causing the rotation with respect to the particular axis — not other structures that might be attached to the rotation member and also rotating about the particular axis as a result of being connected to the rotation member. For instance p. 1, line 22-3, while describing the related art, has the first rotation member performing a rotating movement with respect to a first axis, while line 28-9 has the second member performing a rotating movement with respect to a second axis. . *The terminology is used in this specific way to distinguish over prior art devices*, where the rotation member, i.e. the specific member causing the rotation, is not the one holding the light, *see esp.* p. 2 lines 8-20.

Thus if the first member is rotatable with respect to a first axis and a second rotation member is rotatable about a second axis, the second rotation member may also be rotating with respect to the first axis – but the second rotation member is not specifically the rotation member that is rotatable with respect to the first axis – as those terms are used in the specification, see e.g. the top of p. 2.

The Examiner cites Bornhorst’s element 82 as the recited rotation member. In Fig. 8, element 82 does not appear to be rotatable at all.

The Examiner then cites Bornhorst’s Fig 12 – but it is not clear how Fig 12 is supposed to be combined with Fig. 8, since they are distinct embodiments. Fig. 12 has an element 82, but to the extent that element 82 may be a rotation member<sup>2</sup> in Fig. 12, it would be rotatable with

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<sup>2</sup> Applicants do not concede that this is the case, as it is not clear to them. The rotation may be coming entirely from

respect to an axis displaced from the foot. The rotation member that is rotatable with respect to the foot, i.e. what is recited in Applicant's claim 1, in Fig. 12 is element 86 – but element 86 does not contain the light source. Element 82 is the member that contains the light source. This is what is distinguished in the background section of Applicants' specification, where terminology is explained with the intent of distinguishing over such structures. The specification is the primary source for definition of terminology. Therefore Bornhorst fails to teach or suggest the claimed invention

Claim 14 is analogous to claim 1 in this respect.

#### Claims 5 & 17

Claim 5 recites that the first rotation member has an internal light outlet. Moreover, the second rotation member has a light inlet facing the internal light outlet of the first rotation member.

The Examiner cites Bornhorst's element 82 as the first rotation member and element 84 as the second rotation member. Member 82 has an external outlet 87. This outlet is surrounded by the yoke 84. Applicants see no structure that could be construed as the light inlet facing the internal light outlet. Applicants accordingly respectfully submit that the Examiner mischaracterizes the reference. Applicants find no structure in Bornhorst that meets the recitation of the claims, at least based on what the Examiner has pointed out.

Moreover, Bornhorst's mirror 16, which also rotates, is a third rotation member. It does

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elements 86, 84, and 16.



not have any light inlet or outlet. It is just a mirror.

Applicants accordingly respectfully submit that the Examiner has failed to make a *prima facie* case against claim 5.

Claim 17 is analogous to claim 5.

#### Claim 6

The Examiner says that element 40 in Bornhorst is a disk. Applicants respectfully disagree. The reference characterizes element 40 as a pantube. It has to be a hollow tube, for light to go through it as required by the geometry of the reference. A tube is not a disk. Indeed the tube appears from the drawing (Figs 8 & 9 of reference) to extend well below the pulley arrangements 72 & 75 in an elongated shape; see also col. 9, lines 49-55 indicating that the lens assembly 89 b, c & d is also in the pan tube. This means that Bornhorst's element 40 is an elongated tube, not a disk.

Applicants accordingly respectfully submit that the Examiner has not made a *prima facie* against claim 6.

#### Claim 21

The claim recites a rotation mechanism at the exterior of the housing. This mechanism is explicitly recited as one of the bullet items within the first rotation member, i.e. part of the first rotation member which also contains the light source. The preposition “at” here signifies that the mechanism is not external to the rotation member, but at the exterior. Reference should be made again to the way “rotation member” is defined in the background section of the invention, as

explained above with respect to claim 1.

The Examiner again refers to the alleged rotation member 82. The Examiner refers first to Fig. 8, where member 82 does not rotate. The Examiner also refers to element 86 in Fig. 12, where the rotation mechanism about the foot 46/88 occurs at element 86, not **at** an exterior of and as part of element 82, which contains the light source. Accordingly, Applicants respectfully submit that the reference as cited by the Examiner fails to meet the claim recitations.

Claim 21 further recites means for receiving and directing light from the light source. The means is within the housing of the second rotation member.

In Bornhorst, the means for directing the light source would be lenses 89a –d. These are located in the exit aperture 87 and pan tube 40 which are part of element 82, which the Examiner alleges to be part of the first rotation member. The mere yoke 84 cannot be said to contain any means for receiving and directing light. It is only a mechanical element. The mirror 16 appears to be a third rotation element, not part of the second rotation element -- as the term “rotation element” is defined in the specification -- and apparently not within any housing.

Applicants accordingly respectfully submit that the Examiner has not made a *prima facie* case against claim 21.

#### Claim 26

This claim recites that the first housing is adapted to be suspended from the foot.

The Examiner purports to find this in Fig. 12 of Bornhorst. Applicants respectfully disagree. The housing of element 82 is not adapted to be suspended from the foot 46/88 in that figure. Instead, an additional element 86 is the one that is suspended and element 82 is

suspended from element 86. Element 86 does not contain the light source. In Fig 8, element 82 may be suspended, but does not appear to rotate. The discussion of what “rotation member” means in this application with respect to claim 1 is incorporated herein by reference.

Applicants accordingly respectfully submit that the Examiner has not made a *prima facie* case against this claim.

### **Claim 22 over Bornhorst in view of U.S. Pat. No. 6,412,972 (“Pujol”)**

Claim 22 recites that the first housing forms a concavity and a portion of the second housing is movable within that concavity.

The Examiner sees this in element 82 of Bornhorst, but Applicants see the housing of element 82 as being entirely convex.

The Examiner then cites Pujol. Applicants are finding this rejection especially confusing. The Examiner cites Fig. 12 of Pujol, but then points to columns 6 and 8 of Pujol. Columns 6 and 8 of Pujol describe figures 1-3, not Figure 12. Applicants find, per column 6 and 8 and figures 1-3, that Pujol has a fixed housing 12 and a rotating housing 14, not two rotation members. Applicants do not see that Pujol’s fixed housing 12 is forming any concavity. Applicants do not see that any portion of the housing 14 is rotating within the housing 12, either. They seem to be separate. The mounting member 50 that rotates inside housing 12 does not seem to be part of housing 14.

Fig. 12 of Pujol seems to be directed to optical components within the housings and Applicants do not see how it relates to claim 22.

In sum Applicants fail to understand how Pujol relates to the rejected claim at all or how it adds anything to Bornhorst that relates to claim 22. Applicants accordingly respectfully submit that this rejection fails to comply with 37 CFR 1.104.

### **Claim 23 (Bornhorst/DE3807504)**

This claim stands rejected over a German language reference. The Assignee has

informed the undersigned that Applicants have not received any translation of this reference. The undersigned is accordingly unable to discern the truth or falsity of what the Examiner has stated about this reference. Applicants respectfully submit that the rejection is in violation of MPEP 706.02.

This claim depends from 21 and incorporates the limitations from that claim, particularly with respect to rotation members being at the exterior of the housing. As explained above, Applicants downloaded an English language abstract from the Internet at the esp@cenet database relating to the reference. To the extent that they understand that abstract, that the light source 10 is in a housing 20 – and that the rotation members are actually not at the exterior of that housing, but rather on separate members 14, 16, 18. Applicants therefore suspect that this reference does not say what the Examiner thinks it says.

To the extent that Applicants understand the German language reference, they fail to see how two such completely distinct and incompatible lighting structures could be combined. How could any parts of the complicated structures of the German language reference be adapted to use in Bornhorst? Both references would appear to be complete in their disclosures of how to direct light. Adding some parts of a different direction mechanism into one from the other would just yield dysfunctional appendages, so far as Applicants can tell.

Reversal of the rejection is therefore respectfully requested.

### **Claim 25 over Bornhorst**

This claim recites that the housing of the first rotation member rests on top of the foot.

The Examiner reiterates the rejection of claim 26, which has been previously discussed as

deficient – and then purports to find the recitations of claim 25 obvious. Applicants respectfully submit that claim 25 is even more clearly patentable over the reference than the prior claims, and that no reference cited by the Examiner shows the housing containing the light source resting on the foot at all. Applicants requested the Examiner to come up with a reference showing the limitations of this claim and the Examiner has not. Applicants accordingly respectfully submit that the Examiner has not made a *prima facie* case against this claim.

#### VIII. CONCLUSION

Applicant respectfully submits that he has answered each issue raised by the Examiner and that the application is accordingly in condition for allowance. Reversal of the rejection and allowance of the application are therefore respectfully requested.

Respectfully submitted,

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## Claims Appendix

- 1 1. Moving-head device (1, 2, 3, 4, 5, 6, 7), comprising:
  - 2 - a foot (10);
  - 3 - a first rotation member (21) which is rotatable with respect to the foot (10) about a first
  - 4 rotation axis (51);
  - 5 - a light source (61) for emitting light, which is arranged in the first rotation
  - 6 member (21); and
  - 7 - a second rotation member (22) which is rotatable with respect to the first rotation member
  - 8 (21) about a second rotation axis (81) and which has an external light outlet (31) for emitting
  - 9 light originating from the light source (61).
2. The moving-head device (1, 2, 3, 4, 5, 6, 7) according to claim 1, comprising directing means (62, 70, 75, 76, 77, 78) for directing light originating from the light source (61) to the external light outlet (31).
3. The moving-head device (1, 2, 3, 4, 5, 7) according to claim 1, wherein at least a portion (29) of the second rotation member (22) encompasses at least a portion (25) of the first rotation member (21).
4. The moving-head device (1, 2, 3, 4, 5, 7) according to claim 3, comprising bearing means (30) arranged between the portions (25, 29) of the rotation members (21, 22).

## Claims Appendix

5. The moving-head device (1, 2, 3, 4, 5, 6, 7) according to claim 1, wherein the first rotation member (21) has an internal light outlet (27), and wherein the second rotation member (22) has a light inlet (33) facing the internal light outlet (27).

1 6. The moving-head device (6) according to claim 1, wherein the second rotation member  
2 (22) is rotatably connected to the first rotation member (21) through a disc (85) which is fixed  
3 with respect to one of the rotation members (21, 22) and which is rotatable with respect to  
4 another one of the rotation members (21, 22).

7. The moving-head device (1, 2, 3, 4, 5, 6, 7) according to claim 1, comprising a reflector (62) partially surrounding the light source (61).

1 8. The moving-head device (1, 2, 3, 4, 5, 6, 7) according to claim 7, comprising a cooling  
2 device for cooling at least one side (64) of the light source (61), wherein the cooling device is  
3 arranged so as to provide cooling air to the light source (61), and wherein the reflector (62) is  
4 provided with an inlet (63) for admitting the cooling air.

9. The moving-head device (1, 2, 3, 4, 5, 6, 7) according to claim 1, wherein the light source comprises a High Power lamp (61).



## Claims Appendix

10. The moving-head device (1) according to claim 1, comprising a lens unit (70) for converging light originating from the light source (61), the lens unit (70) preferably being arranged in the first rotation member (21).

11. The moving-head device (1, 2, 3, 4, 5, 6, 7) according to claim 1, comprising at least one processing unit (75) for processing light originating from the light source (61).

12. The moving-head device (1, 3) according to claim 1, comprising at least one mirror (76, 77, 78) for changing the direction of light originating from the light source (61) by reflecting the light.

13. The moving-head device (1, 2, 3, 4, 5, 6, 7) according to claim 1, wherein the rotation axes (51,81) are substantially perpendicular to each other.

- 1 14. Head (20) for a moving-head device (1, 2, 3, 4, 5, 6, 7), comprising:
- 2 - a first rotation member (21) designed to be rotatably connected to a foot (10), such that
- 3 the first rotation member (21) is rotatable with respect to the foot (10) about a first rotation axis
- 4 (51);
- 5 - a light source (61) for emitting light, which is arranged in the first rotation member (21);
- 6 and

## Claims Appendix

7        -        a second rotation member (22) which is rotatable with respect to the first rotation member  
8        (21) about a second rotation axis (81) and which has an external light outlet (31) for emitting  
9        light originating from the light source (61).

15.       The head (20) according to claim 14, comprising directing means (62, 70, 75, 76, 77, 78)  
for directing light originating from the light source (61) to the external light outlet (31).

1        16.       The head (20) according to claim 14, wherein at least a portion (29) of the 10 second  
2        rotation member (22) encompasses at least a portion (25) of the first rotation member (21), and  
3        wherein bearing means (30) are preferably arranged between the portions (25, 29) of the rotation  
4        members (21, 22).

17.       The head (20) according to claim 14, wherein the first rotation member (21) has an  
internal light outlet (27), and wherein the second rotation member (22) has a light inlet (33)  
facing the internal light outlet (27).

18.       The head (20) according to claim 14, comprising a reflector (62) partially surrounding the  
light source (61).

19.       The head (20) according to claim 14, comprising a cooling device for cooling at least one  
side (64) of the light source (61).

## Claims Appendix

20. The head according to claim 14, wherein the light source comprises a High Power lamp (61).

21. Apparatus, comprising

- a first rotation member comprising
  - a first housing;
  - a first rotation mechanism, at an exterior of the first housing, via which the first rotation member is rotatable with respect to a foot about a first rotation axis; and
  - a light source disposed within the first housing; and
- a second rotation member comprising
  - a second housing;
  - a second rotation mechanism, at an exterior of the second housing, via which the second rotation member is rotatable with respect to the first rotation member about a second rotation axis;
  - means for receiving and directing light from the light source; and
  - a light outlet at the exterior of the second housing for emitting light originating from the light source.

## Claims Appendix

22. The apparatus of claim 21, wherein the first housing forms a concavity and the first and second housings are adapted to rotate so that at least a portion of the second housing is movable within the concavity in the first housing.

23. The apparatus of claim 21, wherein the second housing forms a concavity and the first and second housings are adapted so that at least a portion of the first housing is movable within the concavity in the second housing.

24. The apparatus of claim 21, wherein the first and second housings each form respective concavities and the first and second housings are both adapted so that each has a portion that is movable within the concavity of the other.

25. The apparatus of claim 21, wherein the first housing is adapted to rest on top of the foot.

26. The apparatus of claim 21, wherein the first housing is adapted to be suspended from the foot.

- 1 27. The apparatus of claim 21, wherein
- 2     ○ the light source comprises a reflector that defines a beam direction that is substantially
- 3     horizontal;

## Claims Appendix

- 4       ○ the first housing comprises cooling means adapted to cool an upper part of the reflector;
- 5           and
- 6       ○ the first rotation axis is vertical, so that the cooling means always cools the upper part of
- 7           the reflector without adjustment responsive to rotation.

## EVIDENCE APPENDIX

None

## RELATED APPEALS APPENDIX

None